



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of
GARY WILSON , Board Member
McDermitt Sewer District
State of Nevada

**Request for
Opinion No. 08-79C**

Public Officers.

**NOTICE OF HEARING
and
PANEL DETERMINATION**
NRS 281A.440.3, .8 and NAC 281.197

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Gary Wilson (Wilson) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281 of the Nevada Administrative Code.

The purpose of the hearing is to determine whether a violation of the Nevada Ethics in Government Law occurred. Further, if a violation is found, whether such violation is willful and whether any penalties will be imposed by the Commission, pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

**April 9, 2009 beginning at 1:00 p.m., or as soon thereafter as the Commission
is able to hear the matter, at the following location:**

**Boardroom of the State of Nevada Gaming Control Board
1919 E. College Parkway
Carson City, NV.**

Wilson must be present when this matter is called. If Wilson is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel

Determination below. Please direct any hearing scheduling matters to **Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469, ext. 222.**

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. Wilson has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on his behalf.

Wilson has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, and NAC 281A. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Issues and Jurisdiction

An Ethics Complaint was filed against Wilson alleging that he violated NRS 281A.420.2 and NRS 281A.420.4 when he failed to disclose his pecuniary interest and abstain from voting on the McDermitt Sewer District's budget.

In his public capacity, Wilson is a Board Member for the McDermitt Sewer District (District), a public officer as defined in NRS 281A.160. Additionally, the allegations pertain to NRS 281A (Ethics in Government Law). Therefore, the Commission has jurisdiction over this matter.

Panel Proceeding

On February 12, 2009, pursuant to NRS 281A.440.3, a Panel consisting of Commissioners Paul Lambole and John Marvel reviewed the following: Ethics Complaint; Wilson's response to the Complaint; Investigator's Report; Executive Director's recommendation; and the evidence collected.

The following is the panel's unanimous findings:

Since Wilson's business, G & P Water Services is not listed as a line item in the Districts budget, Wilson was not required to abstain. Therefore, the Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that Wilson violated:

- NRS 281A.420.2 when on February 28, 2008, Wilson voted on the District's budget.

Therefore, this allegation was **dismissed**.

Because Wilson's business receives money albeit indirectly from the District budget, Wilson should have disclosed his ownership before voting. Therefore, the Panel found that **just and sufficient cause EXISTS** for the Commission to render an opinion on the allegations that Wilson violated:

- NRS 281A.420.4 when on February 28, 2008, Wilson failed to disclose his pecuniary interest in G & P Water Services, a private business that he owns, when the District's budget was considered that included money that would be paid to his business.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing only on the allegations against Wilson for his failure to disclose his pecuniary interest.

Dated: February 26, 2009

Patricia D. Cafferata
Patricia D. Cafferata, Esq.
Executive Director